

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE
PUBLIC MINUTES
August 5, 2010

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm, at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the Colorado State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 1250 C, Denver, Colorado 80202, at 8:31 a.m. by Michael Gotchey, DVM, Board President.

In addition to Dr. Gotchey were Board members:

Richard Leone, DVM, Board Vice-President (arrived at 8:44 a.m.)

Joni Edwards, DVM, Board Secretary

Kim Stone, DVM, Professional Member

Kristin Woestehoff, DVM, Professional Member

Stacy Worthington, Public Member (arrived at 8:35 a.m.)

Staff:

Maulid Miskell, Program Director

Rosemary Baker, Administrative Assistant

Leanne Clasen, Program Manager

Rita Quinn, Assistant Attorney General

Abigail Gaskins, Compliance Monitor

Melissa Garner, Office of Expedited Settlement

John Steele, Office of Expedited Settlement

II. APPROVAL OF MINUTES – June 17, 2010

A motion was made, seconded, and carried to approve the June 17, 2010 meeting minutes.

III. REPORTS

• Report from the Program Director, Maulid Miskell.

Mr. Miskell informed the Board that it was necessary for Alice Bovard-Taylor to resign her position on the Board. He also advised that both he and Dr. Gotchey had received final authorization to attend the annual AAVSB conference in Baltimore, Maryland from September 16 to 18, 2010. The Board nominated Dr. Gotchey for a seat on the AAVSB Board, but the incumbents for the Director positions were reappointed. Dr. Gotchey will continue to serve on the PAVE Committee.

• Report from the Board President, Michael Gotchey, DVM.

Dr. Gotchey reminded the Board that members were scheduled to offer a presentation at the CVMA Convention on September 23, 2010 at 4:00 p.m. He also discussed the annual ethics presentation given by the Board at CSU. It has been suggested that the presentation be offered to sophomores rather than freshman.

IV. CONTINUING EDUCATION

• Continuing Education – Joni Edwards, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following requests:

A motion was made, seconded, and carried to table # 4, 5, 6, and 7 regarding a CVMA sponsored acupuncture course for further information.

A motion was made, seconded, and carried to table # 12 and 13 from Dr. Cathleen Hartney for further information.

A motion was made, seconded, and carried to designate Dr. Edwards, Board Secretary, to approve the CE once additional information was received.

- **Memorandum regarding Ian Wiechert, DVM.**

A motion was made, seconded, and carried to give Dr. Wiechert a military exemption for 16 hours of Continuing Education for the current renewal period, and to allow him to complete the remaining 16 hours within one year after his returning home from deployment. These hours may not be used for the next renewal period.

- **Memorandum regarding Lora Kay Newman, DVM.**

A motion was made, seconded, and carried to approve 89 hours of Continuing Education, 32 of which may be used for the current renewal period. Dr. Stone abstained from voting.

- **Memorandum regarding Leo Anderson, DVM.**

A motion was made, seconded, and carried to approve 32 hours of Continuing Education.

- **AAVSB – Race Program Update.**

Board noted.

V. OPEN FORUM

Ralph Johnson of CVMA informed the Board that Tom Parks is the President-elect of the CVMA Executive Committee.

Dr. Woestehoff raised a discussion about whether Veterinarians could accept unused drugs from clients and donate them to other clients with financial hardship.

VI. NEW BUSINESS

- **Presentation by Dr. Kate Anderson, Colorado Department of Agriculture.**

Dr. Anderson gave a presentation and explained the Prevention of Animal Cruelty Facilities Act (PACFA) and their jurisdiction at the Department of Agriculture. Dr. Anderson answered questions and had literature for the Board and the public.

- **Memorandum regarding 2011 Meeting Schedule.**

A motion was made, seconded, and carried to table the 2011 meeting schedule pending approval of changes.

VII. OLD BUSINESS

- **Discussion of potential NAVLE examination changes.**

Dean Perryman gave a presentation and answered questions from members of the Board regarding possible changes to the NAVLE examination process. Board noted.

VIII. LICENSING

- **Memorandum regarding newly licensed Veterinarians. (Consent Item)**

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Yes Applications

- **Memorandum regarding reinstatement for Gail Rapport, DVM.**

A motion was made, seconded, and carried to approve reinstatement.

IX. INITIAL REVIEW

AGENDA ITEM #1

David Schulman, DVM #7072

Case #2010-4205

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case without merit.

AGENDA ITEM #2 **Barbara Page, DVM #3046** **Case #2010-3969**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #3 **Michelle Smith, DVM #7140** **Case #2010-4987**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #4 **Robert James, DVM #3893** **Case #2011-0131**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

Upon returning to Open Session, a motion was made, seconded, and carried to table pending receipt of additional information.

X. TABLED

Josyvette Mercado, DVM #7856 **Case #2010-3674**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

XI. STIPULATIONS

• **Open Stipulations Report**
 July 15, 2010
 Board Noted.

• **Mark Cochran, DVM #3252**
 Case # 2006-4024

After careful consideration of the information provided, a motion was made, seconded, and carried to ratify Board staff closing this case.

• **Norman Laber, DVM #1748**
 Case # 2008-3683

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the records submitted.

• **Russell Drabek, DVM #6413**
 Case # 2009-4396

After careful consideration of the information provided, a motion was made, seconded, and carried to ratify Board staff closing this case.

• **William Schroeder, DVM #1858**
 Case # 2009-2587

After careful consideration of the information provided, a motion was made, seconded, and carried to ratify Board staff closing this case.

XII. ADJOURNMENT - OPEN SESSION

Michael Gotchey, DVM, Board chair, moved on August 5, 2010, at 12:48 p.m. that the Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
 - Barbara Page, DVM
 - Michele Smith, DVM
 - Robert James, DVM
 - Josyvette Mercado, DVM
- Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program, including the case status report.
 - Lee Bregitzer, DVM
 - Michael King, DVM
 - Mark Cochran, DVM
 - Robert James, DVM
- Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report.
 - Joel Akin, DVM
 - Karen Faunt, DVM
 - Kim Fry (Unlicensed)
 - Aimee Gereaux (Unlicensed)
 - Ashley Harris, DVM (Out of State)
 - Robert Hicks, DVM (Out of State)
 - Joanna Hyland, DVM
 - Lisa Killian, DVM
 - Cynthia Kryjak, DVM
 - Janele Kubacki, DVM
 - Robert Lester, DVM (Out of State)
 - Joan Murnane, DVM
 - Jennifer Tremblay, DVM
 - Henry Wasserburger, DVM
 - Ari Zabell, DVM (Out of State)

XIII. ADJOURNMENT - EXECUTIVE SESSION

Open session of the meeting for the Board of Veterinary Medicine adjourned at 12:48 p.m. The Board then entered into Executive Session and reconvened in Open Session at 2:45 p.m.

Mr. Miskell, Dr. Gotchey, Dr. Leone, Dr. Edwards, and Dr. Stone met to discuss their presentation at the CVMA Convention on September 23, 2010.

XIII. ADJOURNMENT - OPEN SESSION

The final meeting adjournment was at 3:31 p.m. The Board will reconvene on Thursday, October 14, 2010 at One Civic Center Plaza, Room 1550, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board Chair, I attest that the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on August 5, 2010 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Signed by Michael Gotchey, DVM 10/14/10
Board President Date

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as counsel for the Board, I attest that it is my opinion that all matters discussed during the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on August 5, 2010, constituted attorney-client communications and the contents of attorney-client discussions are not reflected within these minutes.

Approved by Signed by Rita Quinn 10/14/10
Assistant Attorney General Date